IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6495 of 1994
With
SPECIAL CIVIL APPLICATION No. 9888 of 1996
With
SPECIAL CIVIL APPLICATION No. 6567 of 1998
With
SPECIAL CIVIL APPLICATION No. 11008 of 1995
With
SPECIAL CIVIL APPLICATION No. 18760 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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AMBICA GYMKHANA (P) LTD. & 1 - Petitioner(s)

Versus

GOVERNMENT OF GUJARAT & 2 - Respondent(s)

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Appearance : [SCA No.6495 of 1994]
MR JD AJMERA for Petitioner(s) : 1 - 2.
MR VM PANCHOLI A.G.P. for Respondent(s) : 1,
None for Respondent(s) : 2 - 3.

None for Petitioner(s) : 1 - 2.**[SCA No.9888 of 1996]**
MR VM PANCHOLI A.G.P. for Respondent(s) : 3,
None for Respondent(s) : 1 - 2.

MS SONAL PUJARA for Petitioner(s) : 1 **[SCA No.6567 of 1998]**
MR VM PANCHOLI A.G.P. for Respondent(s) : 3,
None for Respondent(s) : 1 – 2.

MR AR MAJMUDAR for Petitioner(s) : 1 - 2.**[SCA No.11008 OF 1995]**
MR VM PANCHOLI A.G.P. for Respondent(s) : 1,
None for Respondent(s) : 2 – 3.

MR PS GONDALIYA for Petitioner(s) : 1 **[SCA No.18760 OF 2005]**
MR VM PANCHOLI A.G.P. for Respondent(s) : 1,
None for Respondent(s) : 2 – 3.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI
Date : 27/09/2005

ORAL JUDGMENT

1. Mr. Bhatt learned advocate appearing on behalf of the petitioner in Special Civil Application No. 9888 of 1996 states that the petitioner has taken back the papers and now he is not appearing in the matter. Hence, his name may be deleted.

1.1. Heard the learned advocates appearing on behalf of the petitioners and Shri V.M. Pancholi learned A.G.P. appearing on behalf of the respondents.

2. All the petitioners, namely the Club, the Gymkhana and the Directors concerned have presented these petitions asking for the principal prayer for issuance of a writ of mandamus and/or any other appropriate writ, order, or direction restraining the respondents, their agents and servants not to interfere in the game of rummy being played by the members of the Club/Gymkhana within the Club/Gymkhana premises.

3. Learned advocates appearing for the petitioners have placed reliance upon the judgment of the Hon'ble Supreme Court of India in the case of **The State of Andhra Pradesh Vs. Satyanarayan and Others, reported in AIR 1968 S.C. 825,** and have submitted that the game of Rummy is mainly a game of skill and it is not entirely a game of chance and, therefore, game of Rummy is outside the purview of the word "Gambling" and, therefore, the said game cannot be said to be an offence under the Bombay Prevention of Gambling Act, 1887. The petitioners have also relied upon the judgment and orders passed by the learned Single Judge of this Court in Special Civil Application No. 5474 of 1997 and Special Civil Application No. 8053 of 1997, by which, this Court, while allowing the identical petitions, has directed the respondents therein not to interfere with the game of 'Rummy' being played by the members of the Club/Gymkhana in their Club/Gymkhana premises.

4. Considering the Judgment of the Hon'ble Supreme Court in the aforesaid case and also the judgment and orders passed by the learned Single Judge in the aforesaid two Special Civil Applications, having regard to the contentions coming from the learned advocates

appearing on behalf of the petitioners and the say of the Hon'ble Supreme Court in the case of The State of Andhra Pradesh (Supra), it appears that the present petitions require a recognition and the Rule requires to be made absolute. I, therefore, order accordingly and direct that the respondent/s shall not interfere with the game of Rummy being played by the members of the respective petitioners Club/Gymkhana in their Club/Gymkhana premises. These orders shall never preclude the concerned respondent or the officers working under them from taking appropriate action under appropriate provisions of the relevant law and the rules, if it is found that the member or members of the Club are playing any other game which could be said to be objectionable or prohibited under the law or the rules. It is also further clarified as it is agreed by the respective petitioners that if any of the petitioners requires any licence for running the Club/Gymkhana the concerned petitioner shall have to obtain the same. Rule is made absolute in each of the petition to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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